

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CONTINENTAL CASUALTY
COMPANY,

Plaintiff,

v.

AMERICANA ART CHINA CO., INC.,
and FOXFIRE PRINTING AND
PACKAGING, INC.,

Defendants.

Civil Action No. 11-1172-GMS-SRF

REPORT AND RECOMMENDATION

At Wilmington this 25th day of February, 2013, a combined Motion to Dismiss for lack of personal jurisdiction submitted by defendant Americana Art China Co., Inc. (“Americana”) pursuant to Fed. R. Civ. P. 12(b)(2) and a joint Motion to Dismiss based upon the abstention doctrine having been filed by all defendants (D.I. 8) (the “Motions”), and the parties having notified the court of a global settlement to resolve the present insurance coverage action and the related, underlying case pending before the United States District Court for the Northern District of Illinois (D.I. 21; D.I. 22), I recommend that the court deny defendant Americana’s motion and the defendants’ joint motion without prejudice to renew the Motions in the event matters pending in the Northern District of Illinois do not result in a resolution of the claims asserted in the present litigation.

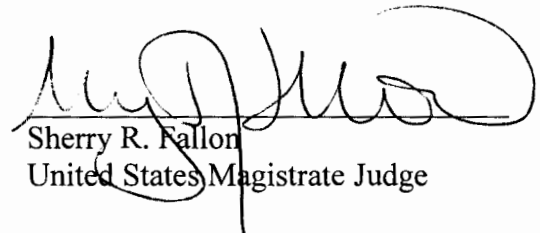
Subject to the oral order of January 29, 2013, a joint status report shall be due to the court on or before **Monday, April 29, 2013**.

This Report and Recommendation is filed pursuant to 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b)(1), and D. Del. LR 72.1. The parties may serve and file specific written objections

within fourteen (14) days after being served with a copy of this Report and Recommendation. Fed. R. Civ. P. 72(b). The failure of a party to object to legal conclusions may result in the loss of the right to de novo review in the district court. *See Henderson v. Carlson*, 812 F.2d 874, 878-79 (3d Cir. 1987); *Sincavage v. Barnhart*, 171 F. App'x 924, 925 n.1 (3d Cir. 2006).

The parties are directed to the Court's Standing Order In Non-Pro Se Matters For Objections Filed Under Fed. R. Civ. P. 72, dated November 16, 2009, a copy of which is available at <http://www.ded.uscourts.gov/court-info/local-rules-and-orders/general-orders>.

Dated: February 25, 2013



Sherry R. Fallon
United States Magistrate Judge